

### **REMARKS**

Claims 1-21 and 24 are pending and stand rejected. Claims 1, 14, and 24 are amended herein. Support for the amendments can be found, *inter alia*, in paragraphs [0060] through [0066] of the Specification as published.<sup>1</sup> No new matter has been introduced.

Applicants have reviewed the Office action, including the Examiner's remarks and the references cited therein. Applicants submit that the following remarks are fully responsive to the Office action, and that all pending claims are patentable over the cited references. In addition, Applicants are of the opinion that the Examiner would benefit by a demonstration of a working embodiment of the invention, and will contact the Examiner to schedule an interview.

### **Rejections Under 35 U.S.C. § 101**

The Examiner rejects claims 14 and 22 under 35 U.S.C. § 101 as directed to non-statutory subject matter. In particular, the Examiner concludes that claims 14 and 22 fail to provide a useful, concrete, and tangible result. Office action, para. 7. The rejection of claim 22 is moot in view of its cancellation. As to claim 14, the Examiner concludes that the result, "aligning media dots on a grid," is an abstraction. Id. Applicants respectfully disagree.

According to the present invention, a "media dot" can be a graphical representation (e.g., a dot, an icon, or another symbol) with a size (e.g., a diameter) that varies as a function of the number of media in a set of media items represented by the media dot. Thus, the size of a media dot "indicate[s] how many media are associated" therewith, providing a scale-adaptive two-dimensional histogram reflecting the contents of the media database, such as may be retrieved in response to a query. As amended herein, claim 14 explicitly recites this aspect of a media dot.

In brief, the present invention applies a grid to a map, which creates a plurality of discrete grid points (e.g., the intersections of horizontal and vertical grid lines) on the

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<sup>1</sup> United States patent application publication no. 2004/0225635, published Nov. 11, 2004.

map. Specification, para. [0063]. Instead of being displayed according to their absolute, real-world location, geocoded media returned by a query may be associated via projection with particular grid points (i.e., "aligned with a grid"). *Id.*, para. [0078]. Media dots may then be placed at grid points having media associated therewith. The size of the media dot, for example the diameter of the media dot, is varied as a function of the number of media associated with that grid point, such that a grid point with a larger set of associated media has thereon a larger media dot than a grid point with a smaller set of associated media, thereby indicating how many media are associated with a particular grid point. This may be referred to as "a scale-adaptive 2D histogram" insofar as the map with media dots thereon immediately conveys to the user information about the density or volume of media relative to map or grid location. *Id.*, paras. [0063]-[0065]. This advantageously avoids cluttering or occluding the map with a large number of dots (e.g., an amorphous blob of overlapping discrete dots) when a query returns a large number of results, as only single media dots will occur at grid points. This advantageously enhances visual presentation of results and reduces the time and computing overhead required to draw the map.

Applicants submit that the advantages described above clearly establish the specific and substantial utility of the present invention in at least the mapping and cartographic fields, as exemplified in Figs. 3a, 3b, 4e, and 5a-5d. Moreover, Applicants submit that the resulting gridded map is also concrete and tangible, such that claim 14 is clearly directed to statutory subject matter. Nevertheless, to advance prosecution and make explicit the concrete and tangible nature of the result of the claimed invention, and without conceding the propriety of the rejection, Applicants have amended claim 14 to recite "an output device configured to display" the gridded map described above.

Accordingly, Applicants respectfully request the reconsideration and withdrawal of the rejection under section 101.

#### **Rejection Under 35 U.S.C. § 102(e)**

The Examiner rejects claims 1-21 and 24 under 35 U.S.C. § 102(e) as anticipated by United States patent application publication no. 2004/0073538 to

Leishman et al. (“Leishman”). To be anticipatory, a single prior art reference must explicitly or inherently teach each and every element of the claimed invention. MPEP § 2131 (citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987)). Applicants respectfully submit that Leishman fails to meet this standard.

Claims 1, 14, and 24 have been amended at the Examiner’s suggestion to recite “media dots that are aligned with a grid . . . wherein each of said media dots has a *size that varies as a function of a number of media items represented by the media dot . . .*” (Emphasis added.) The claimed media dot is explained at length above, and it will suffice to reiterate here that a “media dot” can be a graphical representation (e.g., a dot, an icon, or another symbol) with a size (e.g., a diameter) that varies as a function of the number of media in a set of media items represented by the media dot. One of ordinary skill in the art will appreciate that the term “function” is used in its mathematical sense to describe a direct and identifiable relationship between one variable (in this case, the number of media) and another variable (in this case, the size of the media dot). Thus, media dots associated with a greater number of media are relatively larger than media dots associated with a lesser number of media.

Leishman, by contrast, teaches a system that displays query results as discrete “dots” (often referred to in the art as “pins”) on a map, positioned according to the absolute, real-world location of the search result. Where multiple dots overlap, Leishman’s Boundary-Subset Module (BSM) replaces the overlapping dots with a large dot. Leishman, paragraphs [0038] and [0051]-[0053]. Leishman does not, however, teach that the size of the larger dot is in any way a function of the number of query results. Rather, Leishman teaches that a small dot indicates a single result, while a large dot indicates multiple (e.g., two or more) overlapping results. That is, unlike the media dots of the present invention, the size of Leishman’s dots do not vary “as a function of the number of media items represented by the media dot,” and thus do not convey any indication of “how many media are associated with a grid location on a map.” Leishman is, therefore, similar to the method of representing query results shown in Fig. 4b of the present application and described at paragraphs [0006] and [0062] of the Specification—each search result, or group of overlapping search results, is

represented by a single dot at a corresponding, non-grid-aligned geographic location on the map, potentially leaving Leishman's map cluttered and occluded by a plurality of amorphously arranged dots.

The Examiner contends that "Leishman in fact, teaches a size. Leishman teaches a radius,  $r$  of the geographic location presented on a map. Leishman's map consists of a center having coordinates  $(x,y)$  and a radius,  $r$  (§0038)." Office action, para. 5.d.1. The Examiner's conclusion misreads Leishman. The passage cited by the Examiner refers to the center and radius of a "Lasoo," not the center and radius of a dot marking a query result on Leishman's map. In any event, even if the passage cited by the Examiner described Leishman's dots rather than Leishman's Lasoo, a simple teaching of a dot having a center and a radius does not anticipate the present invention, which, as described above, claims a media dot having a "size that varies as a function of the number of media items represented by the media dot . . . ."

As should be clear from the foregoing, Leishman does not teach media dots that have sizes "that var[y] as a function of the number of media items represented" thereby or that "indicate how many media are associated with a grid location on the map" as recited in claims 1, 14, and 24. Put simply, Leishman's dots are not "media dots" as that term is defined and used in the present application. Thus, Leishman cannot anticipate claims 1, 14, and 24 of the present invention.

Claims 2-13 depend from claim 1, while claims 15-21 depend from claim 14. The dependent claims are allowable for at least the same reasons as the independent claims from which they depend.

Further, claims 19 and 20 are allowable for independent reasons. Nowhere does Leishman even suggest, much less explicitly teach, varying the diameter of the dot "logarithmically with the number of items it represents" as recited in claim 19. It follows, therefore, that Leishman also cannot teach the particular logarithmic function recited in claim 20.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e).

**CONCLUSION**

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and request that all rejections be withdrawn, that all pending claims be allowed, and that the application be passed to issue. If, for any reason, the Examiner finds the application to be in other than condition for allowance, the Examiner is invited to contact the undersigned in an effort to resolve any matter still outstanding before issuing another action.

Applicants have provided for a two month extension of time herewith. Should a further extension of time be deemed necessary for this paper to be considered timely, Applicants hereby petition therefor under 37 C.F.R. § 1.136.


Authorization is hereby granted to charge any fees due with the filing of this document, including fees for any further extensions of time deemed necessary, to Deposit Account No. 50-1129 with reference to Attorney Docket No. 81190-0005.

Respectfully submitted,

**WILEY REIN LLP**

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By: \_\_\_\_\_

  
David J. Kulik  
Registration No. 36,576  
Scott A. Felder  
Registration No. 47,558

**WILEY REIN LLP**  
Attn: Patent Administration  
1776 K Street, N.W.  
Washington, D.C. 20006  
**Telephone: 202.719.7000**  
**Facsimile: 202.719.7049**